

IN THE MATTER OF AN ARBITRATION  
BETWEEN:

**FANSHAWE COLLEGE**

("the College")

and

**ONTARIO PUBLIC SERVICE EMPLOYEES UNION**

("the Union")

AND IN THE MATTER OF A CLASSIFICATION GRIEVANCE OF SUSAN  
COYNE (# 710957)

ARBITRATOR: Ian Springate

APPEARANCES:

For the College: Julie McQuire, Spokesperson  
Carla McKee  
Doug Millar

For the Union: Harold Sobel, Spokesperson  
Andre Savoie  
Susan Coyne

HEARING: In London on April 30, 2009

## AWARD

### INTRODUCTION

The grievor is one of three Career Services Consultants within the College's Career Services Department. The College rates her position at payband H. By way of a grievance dated March 7, 2007 the grievor contended that her position should be evaluated at payband K, the second highest payband under the applicable job classification system.

The grievor reports to Mr. Doug Millar, Manager of Career Services. The grievor and Mr. Millar both gave evidence at the hearing. The parties also filed written briefs. It is apparent from the way the lengthy Union brief is worded that much if not all of it was authored by the grievor.

The College's ratings for all eleven job factors provided for in the job evaluation manual result in the grievor's position receiving a total of 557 points. This falls within the 520 to 579 point range for payband H. The ratings proposed by the Union would lead to 712 points, within the 700 to 759 point range for payband K. The intervening paybands cover the range of 580 to 639 points for payband I and 640 to 699 points for payband J.

The parties disagree on the ratings for six job factors, namely: analysis and problem solving, planning/coordinating, guiding/advising others, independence of action, service delivery, and working environment. Each of these is addressed separately below.

A position description form ("PDF") prepared by the College, but not accepted by the Union, divides the grievor's duties into four broad categories. The major one is career consulting. This includes the grievor's role in giving in-class presentations to graduating classes and at times also to other classes. During these presentations she talks about employment related issues and what students can do to find a job. In addition, she encourages students to meet with her on a one-on-one basis. When they do she assists them to develop a job search plan and to prepare a resume and covering letter. The grievor provides similar assistance to graduates of the College.

The PDF lists the grievor's second area of duties as "administration/marketing & project management". This includes marketing the Career Services Department to students and employers by such means as brochures for employers and writing an employment advice column for the student newspaper. The grievor also has responsibilities related to a website which includes postings of positions advertised by employers. The PDF includes under this heading the grievor's role as the College KPI

contact relating to surveys of graduates and employers conducted by an outside agency contracted for by the Ministry of Training, Colleges and Universities.

The third major grouping of duties identified in the PDF involves “liaison”. This includes responding to requests and inquiries from employers, facilitating on-campus recruitment activities and addressing job postings prepared by employers.

The final area of duties identified in the PDF relates to the grievor’s role as team leader. The PDF notes that as team leader the grievor acts on issues related to the website and KPI survey which may involve her delegating tasks. It also notes that she provides functional support to staff. The PDF states that the grievor’s team leader role accounts for 5% of her time. The union, however, contends that the actual figure is 35%.

The Union’s brief notes that the grievor has had over 22 years experience as a Career Services Consultant with the College. The grievor’s evidence and that given by Mr. Millar establish that she performs her duties exceptionally well. The job evaluation manual, however, indicates that it is a position that is to be evaluated and not how well an incumbent performs the duties of the position.

### THE FACTOR OF ANALYSIS AND PROBLEM SOLVING

The job evaluation manual states that this factor measures the level of complexity involved in analyzing situations, information or problems of varying levels of difficulty and in developing options, solutions or other actions. The College rated the grievor’s position at level 3 on a regular and recurring basis worth 78 points. The Union submits that it should instead be a level 4 rating worth 110 points. The job evaluation manual sets out the following factor level definitions:

3. Situations and problems are identifiable, but may require further inquiry in order to define them precisely. Solutions require the analysis and collection of information, some of which may be obtained from areas or resources which are not normally used for the position.
4. Situations and problems are not readily identifiable and often require further investigation and research. Solutions require the interpretation and analysis of a range of information according to established techniques and/or principles.

The manual also contains the following definition:

Established techniques and/or principles – recognized guidelines and/or methods to accomplish a desired outcome. Can be defined as an individualized way of using tools and following rules in doing something; in professions, the term is used to mean a systematic procedure to accomplish a task.

The manual contains several notes to raters designed to clarify the differences between levels. The following note relates to level 3. There is not a similar note with respect to level 4.

At level 3, the types of problems that are encountered are readily identifiable but the position must be able to identify when additional information is needed to clearly understand the problem or situation. In order to develop an appropriate solution, the position will need to gather more information. In many circumstances, this additional information or clarification will be readily available, but there will be times when the position will need to seek the additional information from a source it is unfamiliar with.

The PDF lists three examples of problem-solving by the grievor that occur on a regular and recurring basis. The first is described as: “Student in classroom information session indicates lack of knowledge on resumes, cover letters, interview preparation, job search, job market, etc.” The PDF states that the student self identifies the problem. It indicates that the required level of analysis involves the grievor interviewing the student to ascertain their level of knowledge concerning a job search as well as other considerations such as their career goals, the courses they have taken and their work experience. The PDF states that this will result in a resume, a cover letter, targeted employers and a personal action plan.

The grievor testified that students do not in fact self identify but rather she ascertains when a student lacks information about how to search for a job from the questions they ask during a one-on-one interview. She said that through leading questions she determines what assistance a student actually needs regardless of what they think they need. She said that she also questions a student to determine any geographical limitations or financial issues that they have, what their skill set is and whether they actually understand what skills they have acquired. The grievor also said that she will give a student “homework” to do, such as having them prepare or update a resume, identify jobs of interest or identify the skills that they have. She said that she will later meet again with the student to evaluate their progress. According to the

grievor she will look at the key competencies for jobs that a student is interested in and also look at the current job postings to see if the student feels they have the required competency level. The grievor said that she is able to maintain ongoing relationships with students and may directly refer a student to an employer.

In his evidence Mr. Miller contended that the grievor is in a career consulting job, not a counseling job. He said that when students consult with her or another career consultant the consultant does a needs analysis, ascertains what program the student is in, what their goals are, whether they are prepared to move, whether they are willing to take an entry level position and whether they have any generic job skills. He described this as following a standard format. He said that sometimes a student will not be forthcoming and the grievor will be required to draw out the relevant information from them. Mr. Miller said that the grievor will use the information she obtains to customize a plan respecting the individual student's needs

Mr. Miller said that "we" do not build a body of work around an individual student. He said that the focus is on the outcome for the student even though with most students staff will not know what that outcome is. He said that staff members trust that students will act on the advice being offered to them.

It appears that the situation identified in the first example in the PDF, namely a student indicating a lack of knowledge relating to a job search, is one that is identifiable. It does, however, require further inquiry through a one-on-one interview to define the full scope of the problem in terms of ascertaining the extent of the student's knowledge. The solution involves giving information and advice to the student. In order to do so the grievor must first collect and analyze information about the student. This fits the criteria for level 3 rating. It also fits the reference in the level 3 note respecting a need to gather more information to develop an appropriate solution with in many cases the information being readily available. There is not the type of situation referred to in the level 4 definition where investigation and research may be required to identify the situation or problem and where a solution requires the need to analyze a range of information. Accordingly, this example in the PDF justifies a level 3 rating.

The second example of a regular and recurring problem referred to in the PDF relates to a student who when interviewed presents personal challenges in entering the work force. The PDF notes that this could be language, financial, geographic/mobility, family issues, a learning disability, psychological or physical. The PDF indicates that further investigation may be required and then goes on to explain the analysis used and the sources available to assist the grievor as follows:

CSC uses expert experience and discretion to determine if further investigation is needed – can call upon additional expertise at Fanshawe or elsewhere.

CSC determines if student's needs will be met by continuing with CSC support or should be referred for support to another service. CSC's assessment based on past practices, professional training and skills, Departmental mandate, viable options available to help student.

(Sources available to assist): Past practices and experience; discussion with colleagues and Manager: college and community resources.

The Union's brief contends that students with disabilities rarely self-identify. It states that the grievor uses generally accepted counseling techniques to analyze each client's situation and determine if they are exhibiting behaviors associated with drug/alcohol abuse, anxiety, depression, ADHD or hyperactivity. It also states that the grievor must determine viable options for service or whether the client should be referred elsewhere.

At the hearing the grievor indicated that when questioning a student she will become aware of whether they have a learning disability but it is often difficult for her to know at what level she should start working with them. The grievor said that she might follow up with the student's counselor since the student could have limitations that are not obvious.

Mr. Miller said that in some cases personal situations come up and employees in the Department help if they can but their job is on the employment side. He said that employees do referrals for non-employment related issues. He noted that last year the three consultants did about 1,200 one-on-one interviews. He added that while many variations are involved the emphasis is on helping someone get a job.

The focus of the grievor's position is to assist a student, or former student, in searching for employment and if appropriate to refer them to other services. It was not suggested that the grievor's functions include working with individuals to help them overcome drug or alcohol abuse or anxiety or depression or to resolve language, financial or family problems. She also does not address learning disabilities other than to take them and other factors into account when assisting a student look for employment.

The grievor's evidence indicated that she can generally recognize when a student faces a personal challenge. Her evidence and the PDF both indicate that further

investigation may be required to ascertain the scope of the problem. It appears that the information in question is generally obtained from the student although the grievor might also contact student counseling. Solutions require the collection and analysis of information in terms of deciding how to assist the student search for employment. This type of situation meets the criteria for a level 3 rating.

The third regular and recurring example referred to in the PDF involves an employer who after they were surveyed during a KPI survey provides negative feedback about the experience. Although college staff do not conduct the surveys employers who have complaints or questions about a survey are given the grievor's name. Some of the calls she receives involve questions respecting the legitimacy of a survey and she provides the caller with assurances in this regard. Other calls involve complaints relating to the interviewer's conduct, the time the employer was called and/or the length and scope of the questionnaire. The grievor's function include investigating the employer's concerns and trying to appease them so that they will continue to hire graduates of the College. The grievor can also register a complaint online with the firm conducting the survey or, if she believes it appropriate, communicate directly with the Ministry about a complaint.

The grievor indicated that sometimes an employer is not really phoning about the survey itself but rather to express their pleasure or dissatisfaction with a former Fanshawe student or to give their views about what the College should be teaching. The grievor said that she "feeds" this type of information to the academic area. The grievor referred to an employer who had hired numerous co-op students and graduates who complained to her that their firm was not able to obtain any contracts from the College. The grievor said that she escalated this matter to the Vice President's office.

It appears that when an employer calls the grievor with a complaint or issue she obtains additional information from them in order to define the problem or issue and then she analyses the information in order to formulate a reply to the caller. I am satisfied that this example fits comfortably within the criteria for a level 3 rating.

The PDF indicates that on an occasional basis the grievor is involved in deciding whether a job posting on a web site is appropriate in terms of college policies, human rights issues, Employment Standards Act requirements and whether the posting relates to illicit or immoral operations. The grievor said that the College often gets postings related to questionable occupations, including positions at strip clubs and massage parlors. The PDF states that such postings can be obscure and require that the grievor use her expert knowledge, reasoning and judgment to determine if there is a need for investigation. The grievor said that at times she will visit the employer's web page for more information. The grievor indicated that many of the solutions to the problems she identifies involve her calling employers and advising them of the need to correct

improper gender specific requests, such as when they advertise for a waitress, advising them that the College does not have any graduates at a level they had asked for, such as persons with a degree, or her asking for a more detailed description of the job.

It appears that many of the issues involving questionable postings are readily identifiable. For obscure postings the grievor is required to search out more information which she then analyzes in terms of whether the posting is acceptable to the College. I view this type of situation as justifying a level 3 rating.

The Union's brief describes yet another example of analysis and problem solving engaged in by the grievor. This relates to the grievor's role as the Career Services representative on the College's Academic Program Approval Committee. The brief states that the grievor's role is to provide input into the validity and relevance of labour market data put forward in support of proposed new programs prior to those proposals going to the Board of Governors and the Ministry for approval. If requested to do so the grievor will also provide labour market information for use in connection with such proposals.

At the hearing the grievor said that academics will prepare a labour market report in support of a proposal. She said that it will not be obvious from the report whether there is a problem with it. She also said that to determine the validity of a report she goes to different labour market sites and provincial sites and refers to job postings. In addition, she said that she looks at what has happened at other colleges. She indicated that she will look at the projected skill level of the graduates of a proposed program and give an opinion as to whether there will actually be jobs for those graduates.

Depending on the nature of a proposed program as well as how a labour market report was prepared, including the extent and nature of any supporting data, there may be problems with the report that will only come to light after further research. A solution, in the sense of a possible criticism of the report's conclusions, might require the interpretation and analysis of a range of information pursuant to established techniques for ascertaining current and potential labour market demand for certain skill sets. This would justify a level 4 rating. This task, however, appears to occur on an occasional as opposed to a regular and recurring basis.

Having regard to these considerations I find that a level 3 rating for the factor of analysis and problem solving on a regular and recurring basis as well as a level 4 rating on an occasional basis, which is worth 9 additional points, to be appropriate.

## PLANNING/COORDINATING

This factor measures the planning and/or coordinating requirements of a position. The job evaluation manual states that it relates to the organizational and/or project management skills required to bring together and to integrate activities and resources needed to complete tasks and organize events.

The College rates this factor at level 3 worth 56 points. The Union accepts that this is an appropriate rating for the grievor's regular and recurring functions. It argues, however, that her position should also receive a level 4 rating on an occasional basis worth an additional 7 points. The definitions for the level 3 and level 4 ratings and some of the terms employed are as follows:

3. Plan/coordinate activities, information or material to enable completion of tasks and events, which affect the work schedule of other employees.

4. Plan/coordinate and integrate activities and resources for multifaceted events, projects or activities involving other employees. This typically involves modifying these individuals' priorities for activities/projects to meet objectives.

Affect – to produce a material influence upon or alteration in.

Other employees - includes full-time, part-time, students, contractors.

Modify – to make basic or fundamental changes to give a new orientation to or to serve a new end.

The job evaluation manual contains the following notes to raters designed to clarify the differences between levels 3 and 4:

Level 3 - the position decides the order and selects or adapts methods for many work assignments. Typically the planning and coordination at this level which affects the work schedule of others is requests by the position for materials/information by specific deadlines in order for the position to plan events or activities (e.g. conferences, research projects, upgrading hardware or software).

Level 4 – typical planning and coordination at this level involves multiple inputs and complex tasks, frequently requiring the coordination of activities or resources of a number of departments, such as a major campus renovation or major technology upgrade. The position could be responsible for multiple concurrent projects at the same time. At this level, the position would have the authority to require others to modify their schedules and priorities.

The PDF lists the grievor's role overseeing the production of the Career Services web pages as an occasional project. The College rates it at level 3. The Union, however, contends that this task justifies a level 4 rating. The Union's brief and the grievor at the hearing both stressed the importance of job postings on the web site. The grievor said that when issues arise with respect to the web pages she contacts Systems staff or the Web Designer and has them address the issue. The Union's brief described how this impacts on other employees as follows:

The incumbent identifies issues and notifies College Systems staff and Web Designer on an ongoing basis. Depending on the urgency, the incumbent may need to alter her own work schedule and request the same of others in order to accommodate these emerging issues.

Due to the nature of problems that arise the activity is often multifaceted and time sensitive. This affects the work priorities of other College support personnel in order to respond to these issues.

In March 2008, the College website was revamped which resulted in numerous errors to the information and functionality of the Career Services web pages. Each of these errors and omissions were carefully documented by the incumbent and direction provided to the Systems staff and Web Designer to rectify the errors.

In response to questions posed by the College spokesperson the grievor indicated that when addressing web site errors she has generally contacted a specific programmer/analyst although she did not know if he had actually done the work himself or passed it on to others. In response to additional questioning the grievor indicated that she did not know if employees in Systems had specific assignments with respect to dealing with these types of issues.

It appears that when problems are encountered the grievor contacts systems staff or a web designer. Presumably these employees also address issues and problems related

to other information technology issues at the College. There is nothing to indicate that the grievor can determine priorities as between the different issues these employees address in the course of their workdays or that she can require that systems staff modify their schedules and priorities, which is what is required for a level 4 rating. In addition, there is no suggestion that the grievor is engaged in the type of coordination referred to in the note for a level 4 rating such as a major campus renovation or a major technology upgrade. Accordingly, I conclude that this aspect of the grievor's work justifies a level 3 rating.

The Union's brief described the grievor as coordinating the Department's role in verifying and distributing KPI data and coordinating publication of KPI data on the website. It states that a deadline is set by the Ministry and the grievor coordinates with Marketing/Communications, Web Designers and Institutional Planning at the College to produce the data for publication on the web site. This fits the definition for a level 3 rating and the level 3 note to raters.

Having regard to the foregoing I conclude that a level 3 rating is appropriate.

### GUIDING/ADVISING OTHERS

The job evaluation manual states that this factor refers to any assigned responsibility to guide or advise others, including other employees, students or clients in the area of the position's expertise. The manual notes that College support staff cannot formally supervise others in the sense of hiring, firing or handling first step grievances but staff may be required to guide others using specific job expertise.

The College rated this factor at level 3 on a regular and recurring basis worth 29 points as well as at a level 5 rating on an occasional basis worth an additional 3 points. The Union argues for a level 5 rating on a regular and recurring basis worth 53 points. The job evaluation manual contains the following factor level and term definitions:

3. Advise others to enable them to perform their day-to-day activities.
4. Guide/advise others with ongoing involvement in their progress.
5. Responsible for allocating tasks to others and providing guidance and advice to ensure completion of tasks.

Others – College employees (FT or PT), students.

Guide - demonstrates correct processes/procedures for the purpose of assisting others with skill development and/or task completion.

Advise - has the authority to recommend, or provide knowledgeable direction regarding a decision or course of action.

Ongoing involvement – is intended to reflect a requirement to be involved for the duration of the process or skill development, in which the position is an active participant.

Notes to raters designed to clarify the differences between the levels read as follows:

Level 3 – this may be a position with a particular area of expertise (e.g. accounting), which uses that expertise to assist others in completing their tasks. Involvement is generally of an advisory nature and the position is not responsible for how those advised subsequently complete their tasks.

Level 4 – this may be a position that while not responsible for formal supervision, is assigned to assist less experienced staff and is expected to actively contribute to their ongoing skill development.

Level 5 – while not a formal “supervisor”, the position has the assigned responsibility for allocating tasks and using its expertise to assist others and ensure that the tasks are completed satisfactorily.

The PDF sets out the following functions assigned to the grievor which according to the College justify a level 5 rating:

Provides functional guidance and allocates specific tasks to clerical staff (i.e. mass mailings, KPI follow ups, Career Fair activities, employer recruitment activities). Oversees clerical staff to ensure deadlines are met and if necessary will request changes to workload and priorities.

The College contends that these functions occur on an occasional basis. The Union, however, contends that they actually represent regular and recurring aspects of the grievor’s position. KPI surveys occur three times a year for graduates and three times a year for employers. The grievor described them as taking six to eight weeks each. Mr. Millar, however, stated that this was for the entire process, including those aspects which College staff are not involved with. He contended that each survey might take the grievor a few hours.

The career fair occurs on a single day each year although organizing for it takes place over a two month period. In response to questions from the spokesperson for the College the grievor acknowledged that it is a Departmental initiative. Mr. Millar said that he is responsible for assigning roles to various employees. He said that one of the clerical staff is identified as the coordinator and is responsible for creating time lines and working on the site set out while another employee arranges for the food. He described the grievor as taking the lead role in promotions. The grievor indicated that she ensures that information respecting employers is up to date. She also oversees a mailing to about 600 employers. In addition, the grievor said that she gets the components for a guide book and relies on the secretarial staff to pull it together. She also referred to her giving directions to ensure that parking passes are available for employers.

The job evaluation manual contains the following statements respecting what is viewed as regular and recurring as opposed to occasional:

“Regular & recurring” may not be readily identified as a quantitative amount of time. If a specific task occurs daily or weekly, it is easily identifiable as “regular & recurring”. However, a specific task that occurs once or twice a year, every year, and takes up about 25% of the work year should also be recognized as “regular & recurring”. Any task or responsibility that is an integral part of the position’s work and is expected or consistently relied on should be considered “regular & recurring”.

The term “occasional” can be considered in a few different time frames. It can be defined as once or twice a month or three or four times per year. It is important to remember that this term is to be considered when identifying significant skills or responsibilities associated with activities that occur for a short period of time, on a few occasions or sporadically throughout the year.

The KPI events together with the career fair occur several times per year. It appears that the grievor’s role in allocating tasks to other staff and providing guidance to them occurs for a relatively short period on each occasion. This more appropriately fits the description of “occasional” set out above rather than the description of “regular and recurring”.

In the circumstances I conclude that the College appropriately rated this aspect of the grievor’s position at level 5 on an occasional basis.

Another aspect of the parties' disagreement concerns the proper characterization of the grievor's involvement with job postings. According to the grievor close to 4,700 jobs are posted per year. Mr. Millar said that between 80 to 90% of job postings come in on line. He said that they are looked at by clerical staff who forward them to the grievor or to another consultant for vetting and, if there are problems, to follow up with a call to the employer about required changes. Unless it is obvious the consultant also determines how the posting should be categorized in terms of divisions and programs. The Union's brief describes the grievor's role as follows:

After each job is posted online, a clerical staff member sends a copy to the respective Career Services Consultant who in turn provides direction to the clerical staff in terms of appropriateness to post, suitability for program areas and the resulting action required. From January 1 to March 31, 2009, 496 jobs were posted for the incumbents' range of programs, each job required review and resulting direction by the incumbent. Similarly, in 2008 a total of 2,029 jobs were posted to the incumbent's range of programs.

The Union contends that the grievor's role should be rated at level 5. The College spokesperson, however, contended that the grievor vetting and categorizing job postings involve her performing her own job and not allocating tasks to and guiding and advising others. I agree. The grievor does not assign postings to clerical staff to vet or demonstrate to them how to vet postings. Instead she decides whether a job advertisement can be posted as is or if there is a problem that she should contact the employer about. If the category for the posting is unclear she will make that decision. The fact that clerical staff also perform certain aspects of the process, in part based on judgements made by the grievor, does not translate into the grievor assigning them tasks or providing guidance to them to ensure their tasks are completed satisfactorily. Given these considerations I am satisfied that the grievor's role with postings does not warrant a level 5 rating.

Another aspect of the disagreement between the parties relates to the regular and recurring duties of the grievor in working with students to help them find employment. The College rates this area at level 3, the Union contends that it should be rated at level 5. The PDF describes this aspect of the grievor's role as follows

CSC advises students on how to find employment. Provides ongoing direction to students on how to correctly prepare for and enter the labour market, advises on resume writing, job search strategies; coaches on job interviews.

When necessary, encourages students to modify behaviour/performances in order to maximize the possibility of a successful employment outcome.

The union's brief states that the grievor guides and advises clients on how to correctly prepare for, enter and be successful in the employment market. It contends that during her class presentations the grievor provides direction to hundreds of students and graduates and that she tailors presentations to suit the needs of the specific program and level of study. The brief notes that in 2008 the grievor had 535 student appointments, many of which included follow-up appointments. According to the brief the grievor follows up with employers after interviews to obtain feedback on how well her clients are progressing, which she then relays to the clients. The brief states that if necessary the grievor "advises students to modify behaviour/performance to maximize their potential for success in the job search". It also states that the grievor maintains ongoing relationships with students through follow-up emails and job referrals.

At the hearing the grievor contended that she demonstrates correct process to students and provides direction to them and has an ongoing involvement with them. The grievor disagreed with a suggestion that she advises students. She contended that she provides students with directions, including step by step directions for those who are intellectually challenged. She said that a lot of people can give advice on how to find a job but unlike her they do not provide others with the skill that allows them to do so. The grievor commented that her not knowing where a student ends up does not mean she did not help them get there. She also commented that gainful employment is not everyone's goal or may not be a realistic goal.

The spokesperson for the College asked the grievor what would happen if she told a student to cut down the length of their resume and the student did not later return to see her. The grievor replied that if students do not come back then they do not come back. The College spokesperson suggested to the grievor that she does not ensure the completion of what she has told students to do. The grievor replied that she cannot ensure 100% that students will follow through on a task.

It is clear that level 5 does not apply to the grievor's role with students. While she may tell a student that they should do something, such as prepare or alter a resume, she has no responsibility for ensuring that they actually do so.

A separate issue is whether a level 4 rating worth 41 points should apply instead of the level 3 or level 5 ratings argued for by the parties.

The grievor's role in giving class presentations to students does not meet the criteria for a level 4 rating. Unless a student decides to make an appointment to individually meet with her the grievor does not have any ongoing involvement in their progress or skill development. If a student does request her assistance, however, the grievor is generally expected to provide her assistance until such time as the student no longer wants or needs her assistance or she refers them elsewhere. When assisting students the grievor provides recommendations about what they should do next in seeking employment. This role does not come within the level 4 note to raters which addresses only assisting less experienced staff. The note, however, is worded in such a way as to indicate that it does not exhaustively describe all level 4 situations. Further, as touched on above, the job evaluation manual states that among others this factor relates to guiding and advising students.

Having regard to these considerations I conclude that the grievor's individual involvement with students when assisting them to find employment involves her advising them with ongoing involvement in their progress. As such it justifies a level 4 rating.

The union brief argued in favour of a separate scenario at level 5 described as "counselling of students/clients who have personal challenges". It went on to outline how more detailed and ongoing involvement is required of the grievor when dealing with students who have a disability. While the grievor's involvement with these students is more extensive than with other students it still does not involve a responsibility to ensure the satisfactory completion of tasks, which is required for a level 5 rating.

Having regard to the foregoing, I find that a level 4 rating on a regular and recurring basis is appropriate as well as a level 5 rating on an occasional basis.

### INDEPENDENCE OF ACTION

The job evaluation manual describes this factor as measuring the level of independence or autonomy in a position. It states that consideration is to be given to the types of decisions the position makes; what aspects of the tasks are decided by the position on its own or what is decided by, or in consultation with, someone else, such as the supervisor; and also the rules, procedures, past practice and guidelines that are available to provide guidance and direction.

The College rated this factor at level 3 worth 78 points. The Union argues for a level 5 rating worth 142 points. The relevant factor level and term definitions for levels 3, 4 (worth 110 points) and 5 are as follows:

3. Position duties are completed according to general processes. Decisions are made following general guidelines to determine how tasks should be completed.
4. Position duties are completed according to specific goals or objectives. Decisions are made using industry practices and/or departmental policies.
5. Position duties are completed according to broad goals or objectives. Decisions are made using College policies.

Guideline – a statement of policy or principle by which to determine a course of action.

Process – a series of activities, changes or functions to achieve a result.

Industry practice – technical or theoretical method and/or process generally agreed upon and used by practitioners to maintain standards and quality across a range of organizations and settings.

Policies – broad guidelines for directing action to ensure proper and acceptable operations in working towards the mission.

The manual contains the following note which is part of a discussion relating to the differences between a level 2 and a level 3 rating:

Level 3 – Specific results or objectives are pre-determined by others. The position has the ability to select the process(es) to achieve the end result, usually with the assistance of general guidelines. The position has the autonomy to make decisions within these parameters.

The manual also contains the following note to raters designed to clarify the differences between levels 4 and 5:

Level 4. - The only parameters or constraints that are in place to guide the position's decision-making are "industry practices" for the occupation and/or departmental policies. The position has the autonomy to act within these boundaries and would only need to consult with the supervisor (or others) on issues that were outside these parameters.

Level 5. - The only parameters or constraints that are in place to guide the position's decision-making are College policies. The position has the autonomy to act within these boundaries and would only need to consult with the supervisor (or others) on issues that were outside these parameters.

The grievor testified that although she sits about 10 feet away from Mr. Millar she is self-directed and works independently. She said that she shares good news with Mr. Millar and also advises him of any cause for concern. The grievor also said that she does not have any specific goals or objectives except to help students find employment and how she goes about achieving this objective is up to her.

Mr. Millar said that the grievor raises matters with him that involve monetary amounts outside her limit. He said that she also raises issues with him with respect to questionable employers but then indicated that the grievor addresses issues relating to some of these employers on her own. Mr. Millar said that the "team" meets about twice a month to discuss procedures and problems. He noted that he will at times seek the grievor's opinion on matters.

At the hearing the grievor said that there are no departmental policies which she could think of. The Union's brief states that the grievor follows College policies with regards to freedom of information, KPI, dealing with the media and her use of a College VISA card with a limit of \$5,000.

Mr. Millar contended that the role of career consultants involve a number of established steps. He argued that this is what is done at the College, with the exception of the final step, namely follow-up, which College staff do not undertake. He noted that the Department does not create any client files.

The spokesperson for the union pointed out that the grievor is self-directing and decides what her schedule will be. He argued that she has broad goals and objectives. The spokesperson for the College contended that the Career Services Department has a narrow and specific goal, namely to facilitate the entry of students into the workplace. She submitted that the grievor follows general processes.

The grievor follows College policies. There appear not to be applicable departmental policies. It cannot, however, reasonably be said that College policies are the only parameters which guide her decision making. There is also the goal associated with her position, namely to assist students to find employment. I view this as a relatively narrow objective rather than one which involves broad goals and objectives as argued for by the Union. Accordingly, a level 5 rating is not appropriate.

The criteria for a level 4 rating refer to duties being completed according to specific goals or objectives with decisions being made using industry practices or departmental policies. The grievor's duties are geared to a specific objective, namely to assist students find employment. Further she does so using industry practice in the sense of steps normally followed by employment consultants. I believe this better describes the grievor's role than does the reference in the level 3 definition to decisions being made following general guidelines, particularly since the College does not appear to have established any such general guidelines.

Having regard to the foregoing I find a level 4 rating for this factor to be appropriate.

### SERVICE DELIVERY

This factor looks at the service relationship that is an assigned requirement of a position. It considers how a request for service is received and the degree to which the position is required to design and fulfil the service requirement.

The College rated this factor at level 2 worth 29 points. The Union argues for a level 3 rating worth 51 points. The relevant level definitions and term definition are as follows:

2. Provide service according to specifications by selecting the best method of delivering service.
3. Tailor service based on developing a full understanding of the customer's needs.

Tailor - to modify or adapt with special attention in order to customize it to a specific requirement.

A note to raters states that the term "customers" refers to the people or groups of people who receive the services delivered by a position and can be students. Notes to raters also include the following comments designed to clarify the differences between levels:

Level 2 - service is provided by determining which option would best suit the needs of the customer. The incumbent must know all of the options available and be able to explain them to the customer. The incumbent selects or

recommends the best option based on the customer's need. There is no, or limited, ability for the incumbent to change the options. For example, positions working in the Financial Aid area would need to fully understand the various student loan programs that are available and based on a student's unique situation select or recommend the program that would best address the student's financial situation. The incumbent doesn't have the ability to change the funding programs, which are established by an external agency.

Level 3 refers to the need to "tailor service". This means that in order for the position to provide the right type of service, he/she must ask questions to develop an understanding of the customer's situation. The customer's request must be understood thoroughly. Based on this understanding, the position is then able to customize the way the service is delivered or substantially modify what is delivered so that it suits the customer's particular circumstances.

The grievor contended that she tailors service when making classroom presentations. Prior to addressing a class of students, however, the grievor cannot reasonably be said to have developed a full understanding of their needs, which is what is required for a level 3 rating.

Different considerations, however, apply to the grievor's role in assisting individual students find employment, particularly students with developmental issues or who otherwise face special hurdles in finding employment. This is reflected in the PDF which contains the following entry:

Based on the individual student's need, and using their own expertise, the CSC determines the service to be provided. Advise on: goal setting, career options, resumes, cover letters, job search techniques and interview, labour market; follow-up appointments necessary for student success.

Mr. Millar said that "we" have certain tools in our portfolio to work with and cannot create a different environment. The College spokesperson submitted that the grievor selects the best method for delivering service but she does not need to design one. She argued that the grievor's work is standardized rather than customized and she does not design a program to meet client's needs.

The level 3 definition refers to tailoring service based on a full understanding of the customer's needs. The PDF entry set out above indicates that this is what the grievor does when assisting students. The criteria for a level 3 rating requires that services be tailored to meet a customer's needs, not that an employee develop an

entirely different approach or program. The level 2 definition speaks about providing service according to specifications. There are, however, no specifications set for how the grievor is to assist a student. In the circumstances I conclude that a level 3 rating is the most appropriate.

## WORKING ENVIRONMENT

This factor looks at the environment in which work is performed and the extent to which there exists undesirable or hazardous elements. The College rates the position at a level 2 rating on a regular and recurring basis worth 38 points. The union agrees with this rating but contends that the position should also be rated at level 3 on an occasional basis worth 9 additional points. The applicable portions of the rating definitions and the terms that are used provide as follows:

2. Working conditions involve: ...

- verbal abuse

3. Working conditions involve: ...

- dealing with abusive people who pose a threat of physical harm

Verbal abuse – derogatory or threatening comments

Abusive – verbal abuse, is more than dealing with someone who is angry or upset.

A note to raters states: “This factor reflects working conditions that are real and not a condition that might occur”.

In its PDF the College acknowledged that the grievor deals with abusive people. It referred to students or employers who might on occasion become rude or angry. The Union argues that to this should be added the statement: “students with emotional disorders may on occasion be a threat”. At the hearing the grievor acknowledged that she had never been involved in an incident which involved a threat of physical harm but indicated that she believes such a situation could arise. She noted that during the previous month she had for the first time hit a panic button but explained that she did so as a way of diffusing an emotional issue with a student.

The Union spokesperson contended that with the current state of the economy physical harm involving someone in the grievor's position is more likely to become a reality. He argued that there is no need for someone to be injured in order to make the threat real.

There is always the potential that someone who is upset might pose a threat of physical harm. Such a potential by itself, however, cannot logically trigger a level 3 rating, particularly since verbal abuse, which is defined as derogatory or threatening comments, is rated at level 2. Presumably in order to justify a level 3 rating there must be some additional reason to anticipate a possible threat of physical harm. Given these considerations I affirm the rating assigned by the College.

### CONCLUSION

The various ratings assigned by the College led to the grievor's position receiving a total of 557 points. The additional points related to my findings set out above raise the total to 632 points. This brings the position into payband I. Accordingly, I find that the grievor's position should be at payband I.

I retain jurisdiction to address any issues that may arise directly out of this award which the parties are unable to resolve.

Dated this 15th day of July 2009.

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Arbitrator